IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

WP(C).No. 21614 of 2004(W)

PETITIONER:

M.PARAMESWARAN, RETIRED ASI
(P-1630), LEELA NIVAS, KANIMANGALAM,
P.O.NENMARA, PALAKKAD.

BY ADV. SRI.K.T.SHYAMKUMAR

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY**
   ITS SECRETARY, DEPARTMENT OF HOME AFFAIRS,
   GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE ACCOUNTANT GENERAL (A & E),**
   KERALA, THIRUVANANTHAPURAM.

3. **SUPERINTENDANT OF POLICE,**
   PALAKKAD.

BY GOVERNMENT PLEADER SMT.N.SUDHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON ON 17/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE LETTER DATED 16.05.2000 ISSUED BY THE 2ND RESPONDENT.

EXT.P2: COPY OF THE REPRESENTATION DATED 31.5.2000 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P3: COPY OF THE GOVT.CIRCULAR NO.9/96/(78)/FIN ATED 14.2.1996.

EXT.P4: COPY OF THE ORDER DATED 13.7.2000 ISSUED BY THE 3RD RESPONDENT.

EXT.P5: COPY OF THE REPRESENTATION DATED 29.7.2002 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P6: CIOY OF THE REPRESENTATION DATED 24.9.2003 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P7: CIOY OF THE ORDER DATED 7.4.2004 ISSUED BY THE 2ND RESPONDENT.

TRUE COPY

P.A.TO JUDGE

THOTTATHIL B.RADHAKRISHNAN,J

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W.P.(C).No.21614 of 2004

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Dated this the 17th day of September, 2007

JUDGMENT

It is rightly point out by the counsel on either side the issue of law involved in this writ petition is covered in favour of the petitioner by the judgment of the Division Bench of this Court in **State of Kerala v. Sreedharan (2004 (1) KLT 398)**. It is, hence, declared that the military service of the petitioner is eligible for being counted for the purpose of granting time bound higher grade also. Following this declaration, the pensionary benefits and arrears of pay shall be refixed by reckoning the military service of the petitioner and the amounts disbursed within an outer time limit of three months from the date of receipt of a copy of this judgment.

The writ petition is disposed of accordingly.

THOTTATHIL B.RADHAKRISHNAN, JUDGE

dvs